REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-11 are in the case.

I. THE ANTICIPATION REJECTION

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. patent 5,273,190 to Lund. The rejection is respectfully traversed.

The invention as claimed is directed to a syringe for dispensing foam. The syringe comprises (a) a syringe plunger having a distal end face; (b) a waste chamber communicating with the distal end face of the plunger; and (c) a syringe barrel having a nozzle and a bore for receiving the plunger. The distal end face of the plunger is provided with a seal formation for sealing between the distal end face of the plunger and the inner surface of the bore, thereby preventing flow of foam past the end face of the plunger and into the bore. When foam enters the syringe barrel, the flow of foam pushes the syringe plunger back in the syringe barrel as the syringe fills with foam.

As explained, for example, in the paragraph bridging pages 10 and 11 of the specification, as foam continues to flow, a back pressure builds up by virtue of the seal between the inner wall of the syringe barrel and the seal formation at the distal end face of the plunger. Eventually, this back pressure becomes sufficient to overcome the friction between the seal formation and the inner surface of the bore, and the plunger is then forced back as the syringe barrel fills with quality foam.

Lund does not disclose (or suggest) a syringe with a plunger the distal end face of which is provided with a seal formation, as presently claimed. As seen in Fig. 2 of Lund, there is no seal provided at the distal end face of the plate 32 (i.e., the face

nearest to the nozzle 22) providing a seal between the distal end face of the plunger and the inner wall of the barrel. In Lund, as is clear Fig. 2, there is a gap between the distal end face of the plate 32 and the inner wall of the barrel 1, as well as apertures 88 in the plate 32 itself. These gaps allow flow of foam around and through the plate 32 to facilitate mixing of liquid components, and would not cause the plate 32 to be forced back as the syringe barrel fills with foam.

The Action (page 3) points to item 42 shown in Figs. 2-4 of Lund as a seal formation. However, this is not a seal formation provided **at the distal end face** of the plunger, as required by the presently claimed structure. Item 42 has two clips 94 (see Fig. 3 of Lund) which clip around the end face of the plate 32 as shown in Fig. 4, but these clips *per se* do not constitute a seal **at the distal end face** of the plunger. The item 42 comes into contact with the proximal face 104 of the plate 32 as the plate 32 is drawn towards item 42 along the direction of the arrow 40, as shown in Fig. 5. Plate 32 clips to the item 42 via clips 94 when items surfaces 102 and 104 of items 42 and 32 come into contact with each other, as shown in Fig. 4.

As Lund does not disclose a seal formation provided at the **distal** end face of the plunger, as required by the presently claimed structure, Lund clearly does not anticipate the syringe as claimed. Withdrawal of the anticipation rejection is respectfully requested.

II. AMENDMENTS

Claim 1 has been amended to further clarify the presence of a seal formation at the distal end face of the plunger. Support for the seal formation at the distal end face

of the plunger appears in the application as filed in Fig. 1, item 21, Fig. 2, item 122, Fig. 3, item 222, Fig. 4, item 322, Fig. 5, item 422, Fig. 5a, item 484, Fig. 6, item 521. No new matter is entered and no new issues are raised. Entry and favorable consideration at this stage of prosecution are respectfully requested.

Favorable action is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Leonard C. Mitchard/
Leonard C. Mitchard
Reg. No. 29,009

LCM:lff
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100